

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 12-12038-GAO

CITIMORTGAGE, INC.,
Plaintiff,

v.

VLADIMIR SHAPIRO, MARC KADIS, and
FIDELITY NATIONAL TITLE INSURANCE COMPANY,
Defendants.

ORDER
March 6, 2013

O'TOOLE, D.J.

After an additional review of the parties' submissions, I conclude that the plaintiff's reliance on Teschke v. Keller, 650 N.E.2d 1279 (Mass. App. Ct. 1995), is misplaced. MERS did not have a statutory right to notice, nor did it have property interests such that lack of notice violated its due process rights. An entity is not entitled, by statute or otherwise, to receive notice of a sheriff's sale by virtue of being a "mortgagee," however that term is defined.

Furthermore, the plaintiff's contention that MERS, rather than CitiMortgage, should have received notice of the sheriff's sale contradicts its assertion that CitiMortgage, rather than MERS, has standing to sue in this case. Therefore, I conclude that the property at issue was sold to the defendant Marc Kadis pursuant to a valid sheriff's sale, and his Motion to Dismiss (dkt. no. 33) is thus GRANTED. Accordingly, the plaintiff's Motion for Lis Pendens (dkt. no. 30) is now MOOT.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge